

MINUTES OF THE CITY PLANNING COMMISSION

J. MARTIN GRIESEL ROOM

February 21, 2003
9:00 AM

Present: Appointed Members: Donald Mooney, Peter Witte; Water Works Director David Rager; Councilmember Jim Tarbell; Community Development and Planning Staff: Steven Kurtz, Administrator, Land Use Management

Mr. Mooney called the meeting to order.

MINUTES

The minutes of the February 7, 2003 City Planning Commission (CPC) meeting were presented for consideration.

Motion: Mr. Rager moved approval of the minutes.

Second: Mr. Witte

Vote: All ayes (4-0), motion carries.

CONSENT ITEMS

REPORT AND RECOMMENDATION ON A SUBDIVISION IMPROVEMENT PLAN FOR WOODCREST PARK SUBDIVISION – PHASE ONE TO IMPLEMENT CITIRAMA 2003 IN WEST PRICE HILL AND WESTWOOD.

Hold this item until approval is received from the City Engineer.

REPORT AND RECOMMENDATION ON A PLAT OF DEDICATION FOR RIDGETOP WAY, OAKTREE PLACE AND WILDOAK COURT OF THE WOODCREST PARK SUBDIVISION.

REPORT AND RECOMMENDATION ON THE SALE OF A PORTION OF TOTTEN AVENUE RIGHT-OF-WAY BETWEEN KROGER AVENUE AND LEEDS AVENUE IN MT. LOOKOUT.

Motion: Mr. Witte moved approval on Consent Items 2 and 3.

Second: Mr. Rager

Vote: All ayes (4-0), motion carries.

DISCUSSION:

REPORT AND RECOMMENDATION ON A CHANGE OF ZONING FROM R-4 AND R-5 TO B-3 AT 1765 BALTIMORE AVENUE IN NORTH FAIRMOUNT.

Steve Briggs, Senior City Planner, presented the proposed zone change at 1765 Baltimore Avenue which is located near the intersection of Seegar and Baltimore Avenues. There is a B-3 zone at the intersection of Seegar and Baltimore Avenues. The surrounding property is zoned multi-family; however the existing land use is one-, two- and three-families. Mr. Dubose, the owner of the property at 1765 Baltimore Avenue, has been operating a vehicle storage lot which is in violation of the zoning code. In order for him to be in compliance, he is seeking the proposed zone change. The B-3 zone would allow the vehicle storage lot as a conditional use. The staff recommends disapproval of the application.

Mr. Dubose, 1765 Baltimore Avenue, stated he owns a garage downtown and needs a place to store vehicles because of the lack of storage space downtown. Mr. Mooney asked where the garage is located downtown. Mr. Dubose responded it is located at 1705 Central Avenue and a lot at 547 Poplar Street. Mr. Mooney asked Mr. Dubose about the zoning violations and how many citations have been received. Mr. Dubose responded that he is not aware of any citations to his address. Mr. Dubose stated that the houses abutting him on all sides are abandoned.

Police Officer Cline, Neighborhood Officer, 3201 Warsaw Avenue, 45205, stated that the area is primarily residential except for corner stores. Putting a car storage facility in a neighborhood runs into other problems. Stated that no one would want to fix up the abandoned buildings with a junk car lot next door. Dave Rager asked what the law is regarding parked cars on the street. Officer Cline responded a car cannot be parked for more than 14 hours. Mr. Dubose has done a lot to fix up his property, but a car storage facility is not appropriate in a residential neighborhood.

Police Officer Mendes, District Three, has been in the neighborhood for a long time and some of the number one complaints district-wide are regarding junk cars.

Shirley Walker, 1718 Pulte Street, stated this is her second year with the North Fairmount Community Council. The community council is trying to clean up the neighborhood. This is an area the community council is trying to fix up and would like to get people to start moving back in. There are a lot of abandoned buildings, but if the buildings can be repaired, maybe the neighborhood can be like it once was.

Motion: Mr. Rager moved to accept staff's recommendation and disapprove the zone change.

Second: Mr. Witte

Vote: All ayes (4-0), motion carries.

REPORT AND RECOMMENDATION ON THE FINAL EVANSTON FIVE POINT URBAN RENEWAL PLAN

Larry Harris presented the final Evanston Five Point Urban Renewal Plan. The developer, (Duke), named in the plan at the Dana and Montgomery intersection has withdrawn from the project and a new developer is being sought. Initially, the area south of Dexter was not included in the Evanston Five Point Urban Renewal Plan, but the Hoffman School will be vacated in 2004 and is seen as an opportunity for new development in the neighborhood. The plan recommends this site to be used for residential/commercial mixed-use.

Drew Asimus, Chair of the Business Association, stated that the business association spearheaded this effort to request the funding through the CNBDU process a few years ago. The urban renewal plan for the northern business district in Evanston has been very successful with the implementation of many of the recommendations. Mr. Asimus is in total support of the plan.

Mr. Mooney asked what was happening with the BASF site. Mr. Harris stated that the site is under new development. There was a preferred developer who has backed out because of their company changing philosophy on development. The community and the city are in the process of searching for a new developer.

Ed Ratterman stated that the community and the city representatives met a couple of times since the developer withdrew from the project and are currently in the process of scheduling an interview with a developer who has expressed interest in the project. Mr. Mooney asked if there are any environmental issues on the BASF site. Mr. Harris stated the site has met all the EPA requirements for development with a restriction on a water table issue which can be resolved with retention basins on the site.

Ely Ryder stated that DeSales Plaza closed on their HUD financing last week.

Motion: Mr. Witte moved approval of the plan.

Second: Mr. Rager

Vote: All ayes (4-0), motion carries.

ITEMS HELD FROM PREVIOUS MEETINGS**REPORT AND RECOMMENDATION ON A PROPOSED ZONE CHANGE FROM R-3 TWO-FAMILY DISTRICT TO R-4 MULTI-FAMILY LOW-DENSITY DISTRICT AT 2722 COX LANE IN OAKLEY.**

Mr. Finney stated that he heard from Mr. Joe Feldhaus, attorney for Mr. Winans yesterday and would like to move forward with the proposed zone change.

Greg Winans, 2732 Cox Lane, 45209, stated he hired an attorney two weeks ago and under good faith would trust Mr. Finney to get everything resolved. Doesn't have any

objection to moving forward with the proposed zone change. Mr. Kurtz suggested that the City Planning Commission could act on the zone change and if there is no agreement before the City Council public hearing, the item could be pulled from the committee agenda.

Motion: Mr. Witte moved approval

Second: Mr. Rager

Vote: All ayes (4-0), motion carries.

UPDATE ON THE GOBEL/BRACKEN WOODS URBAN RENEWAL PLAN

Mr. Kurtz stated that staff of the Community Development and Planning Department are relooking at the financials and taking longer than the original 60 days.

DISCUSSION

NOTWITHSTANDING ORDINANCES

There was discussion on the subject of notwithstanding ordinances. Mr. Mooney stated that his understanding of the charter is that the City Planning Commission is supposed to act on any matters related to land use in the city and feels that would apply to notwithstanding ordinances. Mr. Mooney questions the legality of a notwithstanding ordinance if it does not come before the City Planning Commission.

Mr. Ryder responded that notwithstanding ordinances need to meet the charter requirements that they either be approved or disapproved by the City Planning Commission. Despite the disapproval or not acting on a notwithstanding ordinance, City Council can approve a notwithstanding ordinance with a supermajority vote.

Mr. Ryder urged the City Planning Commission accept this responsibility and deem a notwithstanding ordinance as a zone change. Mr. Mooney feels the City Planning Commission can deal with notwithstanding ordinances on a case-by-case basis.

Mr. Mooney asked Mr. Kurtz if the zoning process could be done more expeditiously than 45 days. Mr. Kurtz responded it could not because of the number of meetings and hearings, sufficient notification time and time for staff analysis. Mr. Mooney suggested holding emergency meetings if needed.

Mr. Ryder stated that he has a draft of a notwithstanding ordinance but there are no plans attached. Mr. Mooney stated that the Commission could not approve this ordinance without a plan; suggested that at the next meeting the City Planning Commission could act on this special exception ordinance. Mr. Kurtz stated that the developer has been requested to provide a boundary description, a letter from the community council endorsing the project and a site plan. Mr. Kurtz also requested documentation as to the necessity of the urgency.

REMOVAL OF THE DESIGNATION OF THE OVER-THE-RHINE HISTORIC DISTRICT

Mr. Witte presented Mr. Booth's motion of removing the designation of the Over-The-Rhine Historic Overlay District.

Mr. Tarbell feels this is a terrible idea; feels there needs to be a process that expedites requests for variances and also to have a stronger support system for implementing the guidelines.

Mr. Mooney suggests that the Historic Conservation Board review the guidelines to make the process easier, faster and cheaper. Without the designation, there is nothing to prevent buildings being demolished to create parking lots.

Skip Forwood, Urban Conservator, affirmed that out of 232 permits for Over-The-Rhine North and South in 2002 96% of those were approved.

Mr. Ryder stated that the guidelines are not regulations that have to be met but ways to educate the owner.

Mr. Ryder stated that the designation ordinance could be rewritten to make the Zoning Board of Appeals, Common Pleas Court or the City Planning Commission the appealing body instead of City Council.

ADJORNMENT

With no further business to consider, the meeting was adjourned.

Margaret M. Moertl, Director
Community Development & Planning

Donald J. Mooney, Chairman

Date:_____

Date:_____